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Programme of activities for the International Decade of the World's Indigenous People, 1995-2004

Report of the Third Committee

Rapporteur: Mr. Carlos Enrique Garcia **González** (El Salvador)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session the item entitled "Programme of activities of the International Decade of the World's Indigenous People, 1995-2004" and to allocate it to the Third Committee.

2. The Committee considered the item at its 21st, 22nd, 33rd and 37th meetings, on 21 and 22 October and on 1 and 4 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/59/SR.21, 22, 33 and 37).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Relevant chapters of the report of the Economic and Social Council for 2004;[1]

(b) Note by the Secretary-General transmitting the status of the United Nations Voluntary Fund for Indigenous Populations (A/59/257);

(c) Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/59/258);

(d) Note by the Secretary-General transmitting the annual report of the United Nations High Commissioner for Human Rights on the implementation of the

[1] A/59/3 (Parts I and II); for the final text, see *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 3* (A/59/3/Rev.1).

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programme of activities for the International Decade of the World's Indigenous People (A/59/277);

(e) Note by the Secretariat on the proposal for a second international decade of the world's indigenous people (A/C.3/59/L.13).

4. At the 21st meeting, on 21 October, the Director of the New York Office of the United Nations High Commissioner for Human Rights and the Chief of the secretariat of the Permanent Forum on Indigenous Issues of the Department of Economic and Social Affairs made introductory statements (see A/C.3/59/SR.21).

5. At the same meeting, the Chief of the secretariat of the Permanent Forum on Indigenous Issues of the Department of Economic and Social Affairs responded to questions raised by the representatives of Cuba and Canada (see A/C.3/59/SR.21).

6. Also at the 21st meeting, a presentation was made by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.

7. At the same meeting, the Committee engaged in a question-and-answer session with the Special Rapporteur, in which the delegation of Canada, the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union), Norway and Guatemala took part (see A/C/3.59/SR.21).

II. Consideration of draft resolution A/C.3/59/L.30

8. At the 33rd meeting, on 1 November, the representative of Cuba, on behalf of Antigua and Barbuda, Argentina, Azerbaijan, Belize, Brazil, Chile, China, Colombia, Costa Rica, Cuba, the Democratic Republic of the Congo, Dominica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, the Islamic Republic of Iran, Jamaica, Mexico, Paraguay, Peru, the Russian Federation, Saint Lucia, Saint Vincent and the Grenadines and the Bolivarian Republic of Venezuela, introduced a draft resolution entitled "Second International Decade of the World's Indigenous People" (A/C.3/59/L.30). Subsequently, Armenia, Bolivia, Burkina Faso, Cameroon, Canada, Cyprus, Fiji, France, Germany, Greece, Grenada Honduras, Italy, Nigeria and Uruguay joined in sponsoring the draft resolution.

9. At the same meeting, the Committee was informed that the draft resolution contained no programme budget implications.

10. Also at the same meeting, the representative of Cuba orally revised the draft resolution as follows:

(a) In the third preambular paragraph, the word "peoples" was replaced by the word "people";

(b) The eight preambular paragraph, which had read:

"*Recognizing* the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations system, and the need for adequate coordination and communication channels,"

was revised to read:

> "*Recognizing* the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade and the need for adequate financial support from the international community,".

11. At its 37th meeting on 4 November, the Committee adopted draft resolution A/C.3/59/L.30, as orally revised, without a vote (see para. 13).

12. Before the adoption of the draft resolution, a statement was made by the representative of Ecuador, on behalf of the Andean Community (Bolivia, Colombia, Ecuador, Peru and Venezuela). After the adoption of the draft resolution, statements were made by the representatives of Australia and the United States of America (see A/C.3/59/SR.37).

III. Recommendation of the Third Committee

13. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Second International Decade of the World's Indigenous People

The General Assembly,

Bearing in mind that, in the Vienna Declaration and Programme of Action,[1] the 1993 World Conference on Human Rights recognized the inherent dignity and the unique contribution of indigenous people to the development and plurality of society and strongly reaffirmed the commitment of the international community to their economic, social and cultural well-being and their enjoyment of the fruits of sustainable development,

Reaffirming that States should, in accordance with international law, take concerted positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination, and recognizing the value and diversity of their distinctive identities, cultures and social organization,

Recalling its resolution 48/163 of 21 December 1993, in which it proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994, with the goal to strengthening of international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health,

Recalling also its resolution 58/158 of 22 December 2003 and all previous resolutions on the International Decade of the World's Indigenous People,

Welcoming all achievements during the Decade, in particular the establishment of the Permanent Forum on Indigenous Issues, and the contributions to the realization of the goals of the Decade made by the Permanent Forum, the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights and the Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people, such as the comprehensive work programme that the Permanent Forum is carrying out for the benefit of indigenous peoples in the areas of culture, education, environment, health, human rights and social and economic development,

Taking due note of Commission on Human Rights resolution 2004/62 of 21 April 2004,[2] in which the Commission expressed its deep concern about the precarious economic and social situation that indigenous people continue to endure in many parts of the world in comparison to the overall population and the persistence of grave violations of their human rights, and reaffirmed the urgent need to recognize, promote and protect more effectively their rights and freedoms,

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[1] A/CONF.157/24 (Part I), chap. III.

[2] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

Recalling that, in its resolution 49/214 of 23 December 1994, it expressly put on record its expectation to achieve the adoption of a declaration on indigenous rights within the International Decade, that in resolution 50/157 of 21 December 1995 it decided that the adoption by the General Assembly of a declaration on the rights of indigenous people constituted a major objective of the Decade, and noting the progress made in the recent rounds of negotiations in the open-ended intersessional working group of the Commission on Human Rights charged with elaborating a draft declaration on the rights of indigenous people, established pursuant to Commission resolution 1995/32 of 3 March 1995,[3]

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade and the need for adequate financial support from the international community,

1. *Proclaims* the Second International Decade of the World's Indigenous People, commencing on 1 January 2005;

2. *Decides* that the goal of the Second Decade should be the further strengthening of international cooperation for the solution of problems faced by indigenous people in such areas as culture, education, health, human rights, the environment and social and economic development, by means of action-oriented programmes and specific projects, increased technical assistance and relevant standard-setting activities;

3. *Requests* the Secretary-General to appoint the Under-Secretary-General for Economic and Social Affairs as the Coordinator for the Second Decade;

4. *Requests* the Coordinator to fulfil the mandate in full cooperation and consultation with Governments, the Permanent Forum on Indigenous Issues and other relevant bodies and mechanisms of the United Nations system, the Office of the United Nations High Commissioner for Human Rights, other members of the Inter-agency Support Group on Indigenous Issues and indigenous and non-governmental organizations;

5. *Invites* Governments to ensure that activities and objectives for the Second Decade are planned and implemented on the basis of full consultation and collaboration with indigenous people;

6. *Appeals* to the specialized agencies, regional commissions, financial and development institutions and other relevant organizations of the United Nations system to increase their efforts to take into special account the needs of indigenous people in their budgeting and in their programming;

7. *Requests* the Secretary-General to establish a voluntary fund for the Second Decade, which to all juridical purposes and effects should be set up and discharge its functions as a successor of the already existing Voluntary Fund established for the present Decade pursuant to General Assembly resolutions 48/163, 49/214 and 50/157;

8. *Authorizes* the Secretary-General to accept and administer voluntary contributions from Governments, intergovernmental and non-governmental organizations, indigenous organizations and private institutions and individuals for the purpose of funding projects and programmes during the Second Decade;

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[3] Ibid., *1995, Supplement No. 3 and corrigenda* (E/1995/23 and Corr. 1 and 2), chap. II, sect. A.

9. *Urges* Governments, intergovernmental and non-governmental organizations to contribute to the Voluntary Fund for the Second Decade established by the Secretary-General, and invites indigenous organizations and private institutions and individuals to do likewise;

10. *Urges* the competent United Nations organs, programmes and specialized agencies, in planning activities for the Second Decade, to examine how existing programmes and resources might be utilized to benefit indigenous people more effectively, including through the explorations of ways in which indigenous perspectives and activities can be included or enhanced;

11. *Decides* to continue observing in New York, Geneva and other offices of the United Nations every year during the Second Decade the International Day of Indigenous People, to request the Secretary-General to support the observance of the Day from within existing resources, and to encourage Governments to observe the Day at the national level;

12. *Urges* all parties involved in the process of negotiation to do their utmost to successfully carry out the mandate of the open-ended intersessional working group established by the Commission on Human Rights in its resolution 1995/32 and to present for adoption as soon as possible a final draft United Nations declaration on the rights of indigenous peoples;

13. *Requests* the Secretary-General to give all the assistance necessary to ensure the success of the Second Decade;

14. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixtieth session on a comprehensive programme of action for the Second Decade based on the achievements of the first Decade;

15. *Decides* to include in the provisional agenda of its sixtieth session an item entitled "Indigenous issues".

14. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Reports considered by the General Assembly in connection with the question of the Programme of activities for the International Decade of the World's Indigenous People

The General Assembly takes note of the following reports:

(a) Note by the Secretary-General transmitting the annual report of the United Nations High Commissioner for Human Rights on the implementation of the programme of activities for the International Decade of the World's Indigenous People (A/59/277);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/59/258);

(c) Note by the Secretary-General transmitting the status of the United Nations Voluntary Fund for Indigenous Populations (A/59/257).